

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0151(RCA3) – Shoal Creek Walk P.C. DATE: February 9, 2021

ADDRESS: 835 West 6th Street

DISTRICT: 9

SITE AREA: 2.6 acres (113,256 square feet)

NEIGHBORHOOD PLAN AREA: Downtown Austin Plan (Market / Lamar) District

PROPERTY OWNER: Shoal Creek Walk, LTD., (Richard W. Duggan III)

AGENT: Armbrust and Brown, PLLC, (Amanda Surman)

CASE MANAGER: Mark Graham (512-974-3574), mark.graham@austintexas.gov

REQUEST: To amend a 2010 Restrictive Covenant to modify the condition that requires installing a 10,000 square foot green roof, and a 10,000-gallon rain water collection tank and associated equipment to irrigate the green roof.

SUMMARY STAFF RECOMMENDATION:

Staff recommends granting a third Amendment to the Restrictive Covenant as requested by the Applicant.

PLANNING COMMISSION ACTION:

February 9, 2021: *APPROVED THE RESTRICTIVE COVENANT AMENDMENT, AS STAFF RECOMMENDED.*

[J. SHIEH; P. SEEGER – 2ND] (11-0) TWO VACANCIES ON THE COMMISSION.

CITY COUNCIL ACTION:

March 4, 2021:

RESTRICTIVE COVENANT AMENDMENT RECORDING NUMBER:

ISSUES:

No issues identified.

CASE MANAGER COMMENTS:

Applicant requests changing the Restrictive Covenant which requires installing a green roof and a 10,000-gallon rainwater storage tank with Phase II development. Instead, Applicant proposes to provide funding to the Shoal Creek Conservancy for a project that restores parapets and installs lighting to the 1887 West 6th Street historic limestone bridge over Shoal Creek. The proposed contribution would match a City of Austin Neighborhood Partnering Program grant to do the work listed in the attached Shoal Creek Conservancy letter. Please refer to the Applicant's proposed redlines to the Restrictive Covenant.

The proposed Restrictive Covenant Amendment area is comprised of a 2.6-acre tract that contains commercial buildings and parking structure situated next to Shoal Creek Greenbelt hike and bike trail facilities. This amendment application proposes to modify the covenant recorded in Office of Public Records of Travis County, Texas as Document 2010083202 and later amended in Documents 2013085495 and 2014188351.

Phase I of the development included two buildings: 225,000 sq. ft. of administrative offices - and 6,790 sq. ft. of retail space. Phase II of the development, currently under construction, will add another 150,000 sq. ft. of administrative offices.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DMU-CURE	Office
<i>West</i>	DMU	Office, retail (Whole Foods)
<i>East</i>	P, DMU, CBD-CO	Shoal Creek Greenbelt, Commercial
<i>South</i>	DMU, DMU-CURE-CO, P, CBD-CO	Commercial, residential towers, greenbelt
<i>North</i>	DMU	Office

ABUTTING STREETS AND TRANSIT:

Street Name	ROW	Pavement	Classification	Sidewalks	Bus Route
West 6 th Street	93	50'	Level 3	Yes, both sides	#4, 5, 103, 484
West 5 th Street	72	50'	Level 3	Yes, both sides	#4, 5, 103, 484, 980, 981, 985
Bowie Street	86'	41'	Level 1	Yes, both sides	No
Shoal Creek Greenbelt Trail				Yes	
6 th Street Access Trail				Yes	

TIA: Site must demonstrate compliance with access study and mitigations agreed to with SP-2012-0036C.

WATERSHED: Shoal Creek – Urban

CAPITAL VIEW CORRIDOR: Yes, Barton Creek Pedestrian Bridge

SCHOOLS: AISD

Mathews Elementary

O. Henry Middle

Austin High

COMMUNITY REGISTRY LIST:

Austin Independent School District	Historic Austin Neighborhood Association
Austin Lost and Found Pets	Homeless Neighborhood Association
Austin Neighborhoods Council	Neighborhood Empowerment Foundation
Bike Austin	Old Austin Neighborhood Association
City of Austin Downtown Commission	Preservation Austin
Downtown Austin Alliance	SEL Texas
Downtown Austin Neighborhood Assn. (DANA)	Shoal Creek Conservancy
Friends of Austin Neighborhoods	Sierra Club, Austin Regional Group

LEGAL DESCRIPTION:

2.6 ACRES BEING A PORTION OF Lots 1-3, Block 5, Subdivision of the Raymond Plateau, Outlot 11, Division Z of the City of Austin, Texas, recorded in Volume V, Page 401, Deed Records of Travis County, Texas and Book 1 Page 30, Plat Records of Travis County, Texas; same being Lots 1-6, 9 and a portion of Lot 7, Resubdivision of Original Lots One and Two in Block No. 5 Outlot 11, Division Z of Austin, Texas, recorded in Book 1 Page 19, said Resubdivision leaving a remnant of original Lot 2.

Deed conveying the property to the present owners: Document No. 2005151718.

DEPARTMENT COMMENTS:

Parks and Recreation

PR1: This restrictive covenant includes reference to open space and improvements to the Shoal Creek Trail. Before Phase 2 is complete, Schlosser Development and the development team for Shoal Creek Walk have agreed to provide an easement for public access along the trail connection required in this restrictive covenant. The easement will ensure ongoing public access to the Shoal Creek Trail from Sixth Street. This easement is documented in a License Agreement with the City of Austin. thomas.rowlinson@austintexas.gov

The improvements for the Sixth Street Bridge will be in public rights of way. The Shoal Creek Conservancy and Austin Public Works Department are coordinating the work that will be funded in part by a City of Austin, Neighborhood Partnering grant to the Shoal Creek Conservancy and with the funding provided by the Developer, in the 3rd Amendment to the Restrictive Covenant.

Watershed Protection & Environmental

The proposed changes to the restrictive covenant reflect Department negotiations with the applicant.

Cases for this site:

C14-2009-0151 – “East Block” Rezone from DMU to DMU-CURE, in 2009.

C14-2009-0151(RCA) – First Amendment to Restrictive Covenant, in 2013.

C14-2009-0151(RCA2) – Second Amendment to Restrictive Covenant, in 2014.

C14-2009-0151(RCA3) – Third Amendment to Restrictive Covenant, in 2020. (This case)

C14H-2018-0014 – Historic Landmark designation of West 6th Street Bridge, in 2018.

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14H-04-0005 SAYERS HOUSE 709 Rio Grande St.	Rezone 0.1781 ac. from GO-MU to GO-MU-H	To Grant	Apvd. 06/24/2004 Ord.#040624-Z-10
C14-2016-0034 701 RIO GRANDE & 602 W 7 th St.	Rezone 0.602 ac. in 2 tracts from GO to DMU-CO. Condition A. building height limit to 60 feet. B. prohibited uses: Cocktail lounge, bail bond svcs., pawn shop svcs, liquor sales, outdoor entertainment.	To Grant	Apvd. 06/16/2016 Ord.# 20160616-061
C14-2012-0083 Cirrus Rezoning 602, 604, 606, 700, and 702 West Ave. and 800 W 6 th St.	Rezone 1.839 ac. from DMU-CO-CURE & LO, GO to DMU-CURE & DMU-CO. Tract 1: 1.34 ac., tract 2: 0.27 ac. and 0.23 ac.. Part 2 A-D: A. maximum building height on tract 1 is 136 feet. B. maximum building height is 90 feet. C.26 foot building setback on tract 2. D. prohibited uses on tract 2: automotive repair svcs, automotive sales, counseling svcs. Drop-off recycling collection facility, exterminating svcs, financial svcs, funeral svcs., guidance svcs., local utility svcs., outdoor entertainment, liquor sales, residential treatment, pawn shop services, restaurant(limited), service station, bail bond svcs.	To Grant	Apvd. 06/06/2013 Ord.# 20130606-063
C14-05-0040	Rezone 1.337 ac. From GO & DMU to DMU-CO-CURE. Condition: maximum	To Grant	Apvd. 06/28/2005

800 WEST 6TH St. & 602, 606 and 700 West Ave.	height of building is 136 feet. Maximum 2000 vehicle trips/day.		Ord.# 20050728-Z021
C14-2019-0156 707 Rio Grande St.	Rezone 0.2069 ac. from GO-H to DMU-CO. Conditions A-B. A. Maximum 60 foot building height. B. Prohibited uses: bail bond svcs, cocktail lounge, exterminating svcs., funeral svcs., hospital svcs.(general), hospital svcs.,(limited), limited warehousing and distribution, liquor sales, outdoor entertainment, pawn shop svcs.	To Grant	Apvd. 03/12/2020 Ord.#20200312-059
C14H-2018-0014 W 6th St Bridge Over Shoal Creek	Rezone W. 6 th St. historic (1887) limestone bridge over Shoal Creek as historic landmark	To Grant	Apvd. 04/12/2018 Ord.#20180412-050
C14-2007-0144 800 West Ave.	Rezone 1.265 ac. from GO/LO to DMU-CO. 6 Conditions.	To Grant	Apvd. Ord.# withdrawn
C14-2013-0147 707 West Avenue Rezoning	Rezone 0.45 ac from CS-CO-CO to DMU-CO. 2 condition: A. maximum 2000 vehicle trips/day; B. maximum 60-foot building height.	To Grant	Apvd. 06/12/2014 Ord.#20140612-100
C14-2011-0006 701 & 711 West 7th Street Rezoning	Rezone from GO/GR to CBD-CO. 6 conditions, A-F. A. maximum 375 building height; B. minimum 50% residential uses; C. minimum of one underground floor of parking; D. maximum 2000 vehicle trips/day; E. amplified sound prohibited; F. list of prohibited uses: automotive rentals, automotive repair svcs., automotive sales, automotive washing (of any type) bail bond svcs., carriage stable, convention center, pawn shop svcs..	To Grant	Apvd. 08/25/2011 Ord.#20110825-097
C14-06-0177 807 West Ave.	Rezone 0.117 ac. from MF-4 to DMU-CO. 3 Conditions: 1. Prohibited uses: automotive repair svcs., automotive sales, automotive washing(of any type), cocktail lounge, counseling svcs., drop-off recycling collection facility, exterminating svcs., funeral svcs., guidance svcs., local utility svcs., outdoor entertainment, pawn shop svcs., residential treatment, restaurant	To Grant	Apvd.11/02/2011 Ord.#20061102-050

	(general), restaurant (limited) safety svcs., service station, telecommunication tower. 2. Drive-in svcs. Prohibited as accessory to commercial use. 3. Maximum 60-foot building height.		
C14-06-0183 605, 615 W. 7 th St. CLB/7th & Rio Grande	Rezone 0.407 ac. From GR to CBD-CURE-CO. Part 2, 7 conditions, A-G. If building on site exceeds 60 foot height: A. FAR maximum 11:1; B. 70% gross floor area shall be for residential uses; C. for building exceeding 68 feet 1. 15 foot step-back from W. 7 th St. ROW require and 2. A seven foot step-back from Rio Grande St. ROW required; D. 2 levels of underground parking required and above ground parking shall be screened; E. loading spaces shall be located in the alley south of property; F. pedestrian uses shall occupy 75% of the building frontage along Rio Grande St. and W. 7 th St. G. cocktail lounge is prohibited use. Part 3, 2 conditions, A-B. A. maximum 2000 vehicle trips/day; and B. vehicular access from Rio Grande St. to parking structure shall be for residential uses only.	To Grant	Apvd. 03/01/2007 Ord.# 20070301-055
C14-96-0063 605 Henderson St. SABIA BOTANICALS - CONSENT	Rezone 0.172 ac. From MF-4 to CS-CURE. Part 2 changes to CS development regulations: 1. Maximum FAR 0.18:1 and 2. Parking required at ratio of 1/1000 sq. ft..	To Grant	Apvd. 06/06/1996 Ord.# 960606-L
C14H-2011-0001 623, 702 Wood St. Shoal Creek Houses	Rezone 0.22 ac. MF-3-P to MF-3-P-H	To Grant	Expired/ demolished
C14-2007-0247 Monarch Rezoning	Rezone 2.148 ac. from CBD-CO to CBD	Withdrawn	Not Applicable
C14-2011-0058 707 West Ave. Rezoning	Rezone 0.444 ac. from GO to CS-MU-CO. Conditions A-B. A. Maximum 2000 vehicle trips/day. B. Prohibited uses: agricultural sales and svcs., automotive rentals, automotive repair svcs., automotive sales, commercial blood plasma center, building maintenance	To Grant	Apvd. 10/06/2011 Ord.# 20111006-076

	svcs., campground, commercial off-street parking, construction sales and svcs., convenience storage, drop-off recycling collection facility, equipment repair svcs., equipment sales, funeral svcs., kennels, monument retail sales, plant nursery, pawn shop svcs., service station, stables, vehicular storage, veterinary svcs., automotive washing (of any type), bail bond svcs., consumer convenience svcs., consumer repair svcs., exterminating svcs., financial svcs., food preparation, food sales, general retail sales (convenience) general retail sales (general), indoor entertainment, indoor sports and recreation, laundry svcs., outdoor entertainment, outdoor sports and recreation, personal improvement svcs., pet svcs., restaurant (general) theater, custom manufacturing, limited warehousing and distribution.		
C14-99-2124 805 WEST AVENUE	Rezone 0.280 ac. MF-4 to DMU-CO. Part 2 has 5 conditions. 1. Prohibited uses: counseling svcs., guidance svcs., residential treatment, safety svcs., telecommunication towers, local utility svcs., automotive repair svcs. Restaurant (drive-in, fast food), automotive sales, service station, automotive washing (any type), drop-off recycling collection facility, exterminating svcs., funeral svcs., outdoor education, pawn shop. 2. Maximum 78% of gross floor area for non-residential uses. 3. A parking space may not be located in the front street yard adjacent to West Avenue. 4. Minimum 15-foot building setback to West Avenue. 5. Maximum 60-foot building height.	To Grant GO-MU-CO w/CO for no more than 78% of gross floor area is to be non-residential. RC prohibiting surface parking between West Ave & the structure closest to West Ave; no structure or portion of structure may be located less than 15' from West Ave & to prohibit bail bond offices	Apvd. 03/23/2000 Ord.# 000323-56

ATTACHMENTS:

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Questions from Planning Commission

Applicant's proposed redlines to the

RC Correspondence

Shoal Creek Conservancy